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Type of Instrument: ORDER OF REF AND AMEND Recorded: 02-Sep-2009
Index Number: 08 03516 Sequence Number: 210453
Plaintiff(s):
BANK OF NEW YORK, NATIONAL ASSOCIATION AS SUCCESSOR

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Defendant(s):
FARACO, JOHN, FERRARA, CAROL, ET AL

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Tax Map ID(s):

Liber Page(s):

THIS PAGE IS A PART OF THE INSTRUMENT
THIS IS NOT A BILL

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County Clerk, Suffolk County

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A+ J

At a(n) IAS Part 6 Term of the Supreme Court of the County of Suffolk at ~~1 Court Street~~ Riverhead NY, on the 14th day of August, 2009.

PRESENT: HON. JOSEPH FARNETI
ACTING JUSTICE OF THE SUPREME COURT

Mot. seq. #002
Motion: MG

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LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF DECEMBER 1, 2006, GSAMP TRUST 2006- HE8
4828 Loop Central Drive
Houston, TX 77081

Plaintiff,

vs.

JOHN FARACCO, CAROL FERRARA, JAMES SHAUGHNESSEY, MICHAEL MARRON, THE NEW YORK GUARDIAN MORTGAGE CORP., THOMAS MARRON, WILLIAM WEINBERG, PATTY SPARACIRO,

Defendant(s).

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c/c oreos

JUDGMENT OF FORECLOSURE AND SALE

MOTION/CROSS/OSC
FEE PAID
Judith A. Pascale
Suffolk County Clerk

INDEX NO.: 3516/08

MORTGAGED PREMISES:
143 ELM STREET
RONKONKOMA, NY 11779

SBL #:
590.00-02.00-007.000

ENTERED SEP - 1 2009
AT: 2:01 PM

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On the Summons, Complaint and Notice of Pendency of Action duly filed in this action on the 25th day of January, 2008, and all proceedings thereon, and on reading and filing the Affirmation of Regularity of Steven J. Baum, P.C., by Charles D. J. Case, Esq., dated the 22nd day of April, 2008, and the Affirmation for Execution for Judgment of Foreclosure and Sale, by Charles D. J. Case, Esq., dated the 10th day of June, 2009, showing that each of the Defendants herein have been duly served with the Summons and Complaint in this action, or have voluntarily appeared by their respective attorneys, and stating that more than the legally required number of days had elapsed since said Defendants were so served and/or appeared; and that none of the Defendants had served any answer to said Complaint, nor had their time to do so been extended or, if they had served an answer, it was dismissed by summary judgment or stipulation of the parties, and upon the attached affidavit of mailing reflecting compliance with CPLR 3215(g)(3)(iii); and that the Complaint herein and due Notice of Pendency of this action containing all the particulars required to be stated therein was duly filed in the Office of the Clerk of the County of Suffolk on the 25th day of January, 2008, and an Order of Reference having been duly executed wherein a Referee was appointed to compute the amount due to the Plaintiff upon the bond/note and mortgage set forth in

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the Complaint and said Referee having examined and reported whether the mortgaged premises can be sold in parcels,

AND, on reading and filing the report of DONNA ENGLAND ESQ., the Referee named in said Order of Reference, by which Report, bearing date the 26th day of November, 2008, it appears that the sum of $372,582.61 was due thereon at the date of said Report and that the mortgaged premises cannot be sold in parcels.

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NOW, upon proof of due notice of this application upon all parties who had not waived the same,

ON MOTION of Steven J. Baum, P.C., attorney for the Plaintiff, it is

ORDERED, ADJUDGED AND DECREED, that the said Report of the said Referee be, and the same is hereby in all respects ratified and confirmed; and it is further

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ORDERED, ADJUDGED AND DECREED, that the caption be and hereby is amended to read as follows:

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BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF DECEMBER 1, 2006 GSAMP TRUST 2006- HE8
4828 Loop Central Drive
Houston, TX 77081

Plaintiff,

vs.

JOHN FARACCO, CAROL FERRARA, JAMES SHAUGHNESSEY, MICHAEL MARRON, THE NEW YORK GUARDIAN MORTGAGE CORP., THOMAS MARRON, WILLIAM WEINBERG, PATTY SPARACIRO,

Defendant(s).

----------X

INDEX NO.: 3516/08

MORTGAGED PREMISES:
143 ELM STREET
RONKONKOMA, NY 11779

SBL #:
596.00-02.00-007.000

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And it is further

ORDERED, ADJUDGED AND DECREED, that the liens which appear to be prior and adverse to the mortgage being foreclosed, namely the liens of Defendant(s) THE NEW YORK GUARDIAN MORTGAGE CORP., CAROL FERRARA, JAMES SHAUGHNESSY, THOMAS MARRON & MICHAEL MARRON and WILLIAM WEINBERG, are hereby declared invalid and extinguished pursuant to RPAPL Article 15; and it is further

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ORDERED, ADJUDGED AND DECREED, that Defendant s THE NEW YORK GUARDIAN MORTGAGE CORP., CAROL FERRARA, JAMES SHAUGHNESSY, THOMAS MARRON & MICHAEL MARRON and WILLIAM WEINBERG and all persons or entities claiming by, through or under them, be and are hereby forever barred and foreclosed of and from all right, claim, lien, interest or equity of redemption in and to said mortgaged premises; and it is further

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ORDERED, ADJUDGED AND DECREED, that the record be reformed to reflect that the lien of Defendants THE NEW YORK GUARDIAN MORTGAGE CORP., CAROL FERRARA, JAMES SHAUGHNESSY, THOMAS MARRON & MICHAEL MARRON and WILLIAM WEINBERG are invalid and extinguished; and it is further

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ORDERED, ADJUDGED AND DECREED, that the mortgaged premises, and if not sold sooner, any and all personal property in which the Plaintiff has a security interest, as described in the Complaint in this action or such part of the real property thereof as may be sufficient to discharge the mortgage debt, the expense of the sale and the costs of this action as provided by the Real Property Actions and Proceedings Law be sold at public auction at the BROOKHAVEN TOWN HALL, 1 INDEPENDENCE HALL, FARMINGVILLE, NY 11738 in the County of Suffolk, State of New York, by and under the direction of DONNA ENGLAND ESQ., who is hereby appointed Referee for that purpose; that the said Referee give public notice of the time and place of such sale according to law and the practice of this Court, in an official publication, to wit: Brookhaven Review; ~~or in any publication in compliance with RPAPL § 231~~; and it is further

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ORDERED, ADJUDGED AND DECREED, that the premises be sold in "as is" condition defined as the condition the premises are in as of the date of sale and continuing through the date of closing, and that said sale shall be subject to:

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(a) Rights of the public and others in and to any part of the mortgaged premises that lies within the bounds of any street, alley, or highway; restrictions and easements of record;

(b) Any state of facts that an accurate, currently dated survey might disclose;

(c) Rights of tenants, occupants or squatters, if any. It shall be the responsibility of the Purchaser to evict or remove any parties in possession of premises being foreclosed. There shall be no pro-rata adjustment in favor of the purchaser for any rents that are paid for a period after the date of the foreclosure sale.

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(d) The right of redemption of the United States of America, if any;

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ORDERED, ADJUDGED AND DECREED, that the Plaintiff or any other parties to this action may become the purchaser or purchasers at such sale; that in case the Plaintiff shall become the purchaser at the said sale, it shall not be required to make any deposit thereof; and it is further

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ORDERED, ADJUDGED AND DECREED, that the Referee conducting the sale shall pay out of the proceeds of sale all taxes, assessments and water rates which are liens upon the property at time of sale. Purchaser shall be responsible for interest due on any real property tax liens accruing after the first day of the month following the foreclosure sale; and it is further

ORDERED, ADJUDGED AND DECREED, that the Referee then take the remaining proceeds of sale and deposit them in Bank of Smithtown, and in addition to executing a deed to the purchaser(s) of the premises sold, shall thereafter make the following payments and her checks drawn for that purpose:

FIRST: The statutory fees of said Referee, DONNA ENGLAND ESQ., for conducting the sale not to exceed $500.00.

SECOND: The expenses of the sale including posting and advertising.

THIRD: Said Referee shall also pay to the Plaintiff or its attorney the following:

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Costs and Disbursements. $ 2725.91 adjudged to the Plaintiff for costs and disbursements in this action to be taxed by the clerk and inserted herein, with interest at the legal rate thereon from the date of entry hereof.

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Additional Allowances. $0.00, is hereby awarded to the Plaintiff in addition to costs with interest at the legal rate thereon from the date hereof;

Amount Due per Referee's Report. $372,582.61, said amount so reported due as aforesaid together with the interest at the contract rate thereon from the date computed to in said Report until the date of entry of this judgment, with interest at the statutory rate thereon until the date of transfer of the Referee's deed, or so much of the purchase money as will the same, and that she take a receipt for said payment and file it with her report of sale.

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Attorney Fees. $1,800.00 is hereby awarded to the Plaintiff as reasonable legal fees herein, with legal interest from the date of entry of the judgment,

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Plaintiff, may, after entry of this judgment, add to the amount due any and all advances made by the Plaintiff for inspection fees, maintenance charges, taxes, insurance premiums or other advances necessary to preserve the property, whether or not said advances were made prior to or after entry of judgment, so long as said charges were not included in the Referee's Report, and the Referee be provided with receipts for said expenditures, all together with interest thereon pursuant to the note and mortgage.

FOURTH: That in case the Plaintiff be the purchaser of said mortgaged premises at said sale, said Referee shall not require the Plaintiff to pay in cash the entire amount bid at said sale, but shall execute and deliver to the Plaintiff a Deed of the premises sold upon the payment to said Referee of the amounts specified above in items marked "First" and "Second"; That the balance of the amount bid, after deducting the amounts paid by the Plaintiff, for Referee's fees, and advertising expenses, shall be allowed to the Plaintiff and applied by said Referee upon the amounts due to the Plaintiff as specified above in item marked "Third"; that if after applying the balance of the amount bid, there shall be a surplus over and above said amounts due to the Plaintiff, the Plaintiff shall pay the same to said Referee, who shall deposit the funds in accordance with paragraph "FIFTH" below.

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FIFTH: That said Reference deposit the surplus money, if any, with the Suffolk County Treasurer within five days after the same shall be received and be ascertainable to the credit of this action, to be withdrawn only on the written order of the Court, that the said Referee make her Report of such sale under oath showing the disposition of the proceeds of the sale and file it with the Clerk of the County of Suffolk within thirty days after completing the sale and executing the proper conveyance to the purchaser and that if the proceeds of such sale be insufficient to pay the amount reported due the Plaintiff with interest and costs as aforesaid, the Plaintiff may recover of the Defendant(s) JOHN FARACCO the whole deficiency or so much thereof as the Court may determine to be just and equitable of the mortgage debt remaining unsatisfied after the sale of the mortgaged premises and the application of the proceeds thereof, provided a motion for a deficiency judgment shall be made as prescribed by Section 1371 of the Real Property Actions and Proceeding Law within the time limited therein, and the amount thereof is determined and awarded by an order of this Court as provided for in said action; and it is further

ORDERED, ADJUDGED AND DECREED, that the purchaser or purchasers at such sale be let into possession on producing the Referee's deed; and it is further

ORDERED, ADJUDGED AND DECREED, that each and all of the Defendants in this action and all persons claiming under them, or any or either of them, after the filing of such Notice of Pendency of this action, be and they hereby are, barred and foreclosed of all right, claim, lien, title, interest and equity of redemption in the said mortgaged premises and each and every part thereof; and it is further

ORDERED, ADJUDGED AND DECREED, that the liens of the Plaintiff other than the mortgage or mortgages that are the subject matter of this action also be foreclosed herein as though the Plaintiff was named as a party Defendant, specifically reserving to the Plaintiff its right to share in any surplus monies as a result of such position as a lien creditor; and it is further

ORDERED, ADJUDGED AND DECREED, that the Referee appointed herein is subject to the requirements of Rule 36.2 (c) of the Chief Judge, and if the Referee is disqualified from receiving appointment pursuant to provisions of that Rule, the Referee shall notify the Appointing Judge forthwith.

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CC # : C09-34993

COUNTY CLERK'S OFFICE
STATE OF NEW YORK
COUNTY OF SUFFOLK

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I, JUDITH A. PASCALE, Clerk of the County of Suffolk and the Court of Record thereof do hereby certify that I have compared the annexed with the original

JUDGMENT

filed in my office on **09/01/2009**

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and that the same is a true copy thereof and of the whole of such original.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said County and Court this **09/01/2009** .

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SUFFOLK COUNTY CLERK

Judith A. Pascale

JUDITH A. PASCALE

SEAL

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That a description of the said mortgaged premises hereinbefore mentioned, is annexed hereto as Schedule

A - Legal Description.

Dated: August 14, 2009
Riverhead, New York

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ENTER,

GRANTED

AUG. 14 2009

Judith A. Pascale
CLERK OF SUFFOLK COUNTY

HON. JOSEPH FARNETI
ACTING JUSTICE OF THE SUPREME COURT

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CaseGen. 105148

Judith A. Pascale

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FILED

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09 SEP -2 AM 9:28

CLERK OF
SUFFOLK COUNTY